

**MINUTES OF A REGULAR MEETING
OF THE COUNCIL COMPENSATION
AND CHARTER STUDY COMMITTEE**

1. CALL TO ORDER

The Council Compensation and Charter Study Committee convened in a regular meeting at 7:02 p.m. on April 12, 2007, in the 3rd Floor Assembly Room.

2. ROLL CALL

Present: Members Bailey, Busch, Fitch, Fox, Messerlian, Rische, Shwartz and Skoll

Absent: Lee, Sargent

Also Present: Assistant to the City Manager Chaparyan
Deputy City Attorney Strader

3. REPORT OF STAFF ON THE POSTING OF THE AGENDA

Assistant to the City Manager Chaparyan reported that the affidavit had been posted.

4. APPROVAL OF MINUTES – March 29, 2007

Noting the discussion referenced on page 6 regarding the forwarding of report/s to City Council, Member Fitch shared that she was of the understanding that monthly reports were required. Staff was asked to verify the requirement.

MOTION: Member Busch, seconded by Member Fitch, moved for the approval of the March 29, 2007 Council Compensation and Charter Study Committee minutes, hearing no objection, Vice Chairman Messerlian so ordered.

5. DISCUSSION ITEMS

1. City Council provisions for compensation

Vice Chairman Messerlian asked that each member share their thoughts on establishing a Consumer Price Index (CPI) provision to provide annual increases in City Council compensation tied to the CPI.

MOTION: Member Fitch, moved to approve the establishment of a Consumer Price Index (CPI) provision to provide annual increases in City Council compensation tied to the CPI. Member Skoll seconded the motion.

Member Busch clarified that such a provision would require a Charter amendment and the cost of an election. He voiced concern with such a provision,

noting that if the City experienced a rough year financially and wasn't able to afford employees a raise, this provision would automatically adjust the compensation of City Council's members.

Member Rische stated her opposition to the CPI, pointing out that being a City Council member is not a full time job and automatic increases would be insulting to the City's full time employees.

Vice Chairman Messerlian clarified with staff that the average CPI would be 4.3%. He shared that he did not become a City Council member for the money, and although the position requires a great deal of time and effort, he does not believe the inclusion of a CPI is appropriate or worth the effort of a Charter amendment.

Member Shwartz stated that based on discussions regarding this issue, the need to be fiscally responsible, and in respect to the City's outstanding employees, she does not support the inclusion of a CPI that would automatically adjust Council's salary. She conveyed her respect and appreciations for the work of City Council members, but does not believe their compensation should be looked at as a salary they are "living" on.

As a retired City employee, Member Skoll voice her opposition to the CPI, sharing that it would be demoralizing to employees if the City Council received an automatic increase and they did not.

Member Bailey indicated his opposition, as an automatic increase especially during a year of financial straits would set a poor example.

Member Fox shared that she too would be opposed, stating that City Council should be compensated, but an automatic increase is not appropriate or fair to City employees.

Member Fitch relayed her support of including a CPI. She talked of the costs involved in campaigning for City Council and the work and time commitment involved in being a Council member, adding that an increase would convey appreciation for their efforts.

Vice Chairman Messerlian called for a vote on the motion. A roll call vote reflected the following: **AYES:** Fitch. **NOES:** Bailey, Busch, Fox, Messerlian, Rische, Shwartz, Skoll. **ABSENT:** Lee, Sargent. **MOTION FAILED: 1- 7.**

2. **Changing the City Clerk position from elected to appointed**
3. **Changing the City Treasurer from elected to appointed**

Noting the information received from staff, Vice Chairman Messerlian asked that each member share their thoughts on the matter.

Member Shwartz stated that she appreciated City Clerk Herbers' input at the last meeting and was impacted by her opinion on the how the clerk's position has evolved over the years and the level of skills, expertise and knowledge required for the position. Member Shwartz shared that although she likes the idea of voting, she questions if the campaign process can clearly identify the most qualified and suitable candidate for this

position. She indicated that she is leaning more toward making the position an appointment, but is open to more discussion and would like to hear input from other committee members before finalizing her decision.

Member Fox indicated her agreement with Member Shwartz's comments, stating that the City Clerk position is a very important office and there could be a situation where a less than qualified person is elected.

Member Bailey talked of when City Clerk Herbers was first elected and how she herself said she was lacking experience. She was smart about the position, learned what she had to, and is a competent City Clerk who has been re elected three times. He believes the City's electorate is smart enough to elect the most qualified and suitable candidate for the position and stated his support in maintaining elected positions for both the City Clerk and City Treasurer.

Member Busch agreed with Member Bailey, stating that the City has a highly intelligent electorate, and through candidate's ballot statements, forums, etc., he trusts that the voters will make the right choice. Member Busch further stated his belief that a Charter amendment to change these positions would be defeated.

Member Fitch noted the low number of registered voters who actually exercise their right to vote and stated that the process should be one that is the most beneficial to the City's electorate. Noting that it appears including qualifications is permissible, she asked about including requirements for the positions.

Deputy City Attorney Strader confirmed that the Charter can be amended to include additional qualifications for candidates, but not specific characteristics that can potentially infringe on a candidate's right to hold public office or impair access to the ballot.

Member Messerlian noted that items like an appropriate degree and experience would be the qualifications that can be specified. However, he questions the appropriateness of including qualifications noting it can open up the door to problems with who checks that the qualifications and whether the qualifications are true and correct as indicated.

Member Busch asked if staff can supply information of whether County offices (Controller, Assessor) specify qualifications. Member Fitch asked to see information on comparable cities that carry qualifications.

Member Bailey shared that he would be comfortable voting on both positions remaining elected without including additional qualifications.

Member Rische stated that she has faith in the voters and will support both positions remaining elected.

Vice Chairman Messerlian stated his confidence in the voters to elect the proper candidate to the City Clerk/City Treasurer positions and does not believe the voters would support changing these positions to an appointment. He talked on the

importance of these positions remaining independent from any outside influence and will support maintaining the elected positions.

Member Skoll pointed out that the City Council could dismiss an appointed person from a position if necessary.

Member Shwartz shared that she did not find City Treasurer Linda Barnett's arguments to maintain an elected Treasurer position as compelling, and that the job functions of the position are pretty fundamental. She talked of the history of both the City Clerk and the City Treasurer and the wonderful job both have done for the City. She hopes that if both positions stay elected, voters do their homework and elect the most qualified individual. Commissioner Shwartz also cautioned on assuming voters will vote the same way on Charter amendments as they have in the past.

Member Busch noted that the high salary of these positions may attract a significant number of candidates and attaching qualifications may tie the City's hands.

Member Rische shared that she does not believe the electorate will give up their rights to vote on these positions.

Member Fitch noted the continuous discussion on the cost of an election to amend the Charter, clarifying that each additional amendment would cost \$10,000.

Vice Chairman Messerlian agreed, stating that the charge of the Commission is to discuss the merit of the proposed amendment, and that respective costs is the cost of democracy.

The Committee then held discussion regarding what qualifications can be included. Deputy City Attorney Strader reiterated that such qualifications have to be broad enough to not impermissibly infringe on a candidate's right to hold public office.

MOTION: Member Bailey, seconded by Member Busch, moved to maintain an elected City Clerk position with no additional qualifications included, hearing no objection, Vice Chairman Messerlian so ordered.

MOTION: Member ~~Busch~~ Bailey, seconded by Member ~~Bailey~~ Busch, moved to maintain an elected City Treasurer position with no additional qualifications included, hearing no objection, Vice Chairman Messerlian so ordered.

4. Extending the term limits for City Council

Vice Chairman Messerlian reviewed the current provisions on term limits.

Member Skoll voiced her support of maintaining current term limits.

Member Bailey clarified with staff that filling an unexpired term does not count in the term limit calculation.

Noting Vice Chairman Messerlian's eight years on City Council, Member Busch asked him his thoughts on term limits.

Vice Chairman Messerlian stated that he thoroughly enjoyed his time on Council and that it was one of his most personal gratifying and rewarding experience. He shared that if there wasn't a term limit he probably would have run for a third term, however, he didn't feel resentful that he couldn't seek another term. He believes the question to think about is why a person wants to be on City council and what they hope to do while they are in office; for him it was a campaign finance ordinance, which was adopted. He concluded by stating that the worst thing that can happen is a person becomes stagnate and routine, questioning how much time a person needs to accomplish their goal (if you can't do it eight years, will you really do it twelve).

In regard to Member Busch's question on a learning curve, Vice Chairman Messerlian explained that most candidates come from some sort of commission background and are already exposed to the workings of City government.

Members Shwartz shared that she personally is not in favor of term limits as she has seen them be a detriment to the School Board. However, she has also seen term limits be effective in the City and believes "limits" in general are helpful in all people's lives. She stated that the notion of "incumbency" is powerful and that she would support the current term limits. Member Shwartz added that when an individual is motivated and committed to public service, they most likely will move onto to another area and stay involved.

Member Busch agreed with the power of incumbency, pointing out that an incumbent has an easier time raising funds. He believes the current term limits work well and will support their continuance.

Member Skoll noted that rotating elections mixes new people in with those who have been there, and brings with it fresh ideas and differing points of view. She indicated her support of maintaining term limits.

Member Bailey observed that the negative of term limits is losing good people like former Council member Messerlian, but noted that a person can run again after a four year break and contribute to other commissions, committee, etc. in the meantime. He shared that the positive points are that it brings in new ideas and reduces the possibility of special interests groups.

Member Rische shared that she used to be opposed to term limits, but agrees with other members on the benefits of bringing in new ideas and perspective. She indicated that she would also entertain a three term limit rather than two.

Vice Chairman Messerlian stated that discussion on this issue will continue at the next meeting.

- 5. a) Information and agenda for next meeting;**
b) Instruction to staff.

Vice Chairman Messerlian directed staff to verify the requirements for filing monthly reports to City Council, and to place discussions on extending term limits for City Council and moving the date of the election on the next meeting's agenda.

6. ORAL COMMUNICATIONS

Vice Chairman Messerlian asked if anyone from the public would like to speak. No member of the public requested to do so.

Member Bailey thanked staff for all their hard work,

7. ADJOURNMENT

At 8:25 p.m., the meeting was adjourned to Thursday, April 26, 2007 p.m., in the 3rd Floor Assembly Room.

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Approved as amended. April 26, 2007 Sue Herbers, City Clerk
